

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER <b>33751-15</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> <b>10/576216</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US04/35196</b>	INTERNATIONAL FILING DATE <b>22.10.2004</b>	PRIORITY DATE CLAIMED <b>24.10.2003</b>
TITLE OF INVENTION <b>MONITORING SYSTEM</b>		
APPLICANT(S) FOR DO/EO/US <b>Andrew C. FULLER</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p><b>Items 13 to 23 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input checked="" type="checkbox"/> Express Mail Label No. <b>ET035786145US</b></li> </ol>		

I hereby certify that this page or fee is being deposited with the U.S. Postal Service "Express Mail" Post Office to Addressee "Express Mail" Post Office to Addressee service under 37 CFR 1.10 on the date indicated below and addressed to the Director of the United States Patent & Trademark Office, r.l. Box 1450, Alexandria, VA 22313-1450

*Andrew C. FULLER*  
DATE: **17 APR 2006**  
EXPRESS MAIL NO. **ET035786145US**

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U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/576210</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US04/35196</b>	ATTORNEY'S DOCKET NUMBER <b>33751-15</b>																																																																																
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<p>The following fees have been submitted:</p> <table border="1"> <tr> <td><b>24. <input checked="" type="checkbox"/> Basic national fee .....</b></td> <td><b>\$300</b></td> <td><b>CALCULATIONS</b></td> <td><b>PTO USE</b></td> </tr> <tr> <td><b>25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</b> If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . All other situations .....</td> <td><b>\$0</b></td> <td><b>\$</b></td> <td><b>\$0.00</b></td> </tr> <tr> <td><b>26. <input type="checkbox"/> Search fee (37 CFR 1.492(b))</b> If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... All other situations .....</td> <td><b>\$0</b></td> <td><b>\$</b></td> <td><b>\$0.00</b></td> </tr> <tr> <td align="center"><b>TOTAL OF 24, 25 and 26 =</b></td> <td><b>\$300.00</b></td> <td></td> <td></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> </tr> <tr> <td colspan="4">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> </tr> <tr> <td>Total claims</td> <td>27 - 20 =</td> <td>7</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x \$200.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td><input type="checkbox"/></td> <td>+ \$360.00</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> </tr> <tr> <td colspan="4"><b>SUBTOTAL =</b></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> </tr> <tr> <td colspan="4"><b>TOTAL NATIONAL FEE =</b></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$0.00</td> </tr> <tr> <td colspan="4"><b>TOTAL FEES ENCLOSED =</b></td> </tr> <tr> <td colspan="3"><b>Amount to be</b></td> <td>\$</td> </tr> <tr> <td colspan="3"><b>Amount to be</b></td> <td>\$</td> </tr> </table>			<b>24. <input checked="" type="checkbox"/> Basic national fee .....</b>	<b>\$300</b>	<b>CALCULATIONS</b>	<b>PTO USE</b>	<b>25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</b> If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . 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**10/576216**

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

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- b.  Please charge my Deposit Account No. 08-0719 in the amount of \$ \$325.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0719. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:

John B. Hardaway, III  
Nexsen Pruet, LLC  
P.O. Box 10107  
Greenville, SC 29603



SIGNATURE

Sara A. Centioni

NAME

50,543

REGISTRATION NUMBER

April 17, 2006

DATE

101576216  
IAP20R05079991US 017 APR 2006

BEFORE THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY  
APPLICATION FILED UNDER THE PATENT COOPERATION TREATY  
IPEA/US

APPLICANT: ANDREW C. FULLER

INTERNATIONAL APPL. NO.: PCT/US04/35196

TITLE: MONITORING SYSTEM

ATTORNEY DOCKET NO.: 33751-03

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
ATTN: IPEA/US

VIA EXPRESS MAIL

**LETTER TRANSMITTING THE DEMAND FOR INTERNATIONAL  
PRELIMINARY EXAMINATION UNDER PCT ARTICLE 31  
AND REPLY TO WRITTEN OPINION AND ARTICLE 34 AMENDMENT**

Dear Sir:

Transmitted herewith, for timely filing before the USPTO by the deadline of 24 August 2005, is a completed Demand document under PCT Article 31, including a copy of the fee calculation sheet.

Applicant is also filing his Reply to the Written Opinion dated 18 March 2005, including an Article 34 Amendment consisting of Replacement Sheets 13-16.

Claim 1 is amended to include the limitations of claim 8; claim 10 is amended to include the limitations of claim 13; claim 21 is amended to delete the word "or" from each instance of "and/or" and claims 8, 13, and 29 are canceled. Following the cancellation of three claims, the remaining claims have been re-numbered, and antecedent references have been corrected. There are twenty-seven claims remaining in the application.

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail" Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to the Director of the United States Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450  
*Donna L. Bennett*  
DATE: 24 AUGUST 2005  
EXPRESS MAIL NO. EV400579991US

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101576216

REMARKS ADDED 17 APR 2006

The Examiner states in Box V of the Written Opinion that claims 8, 9, 13 and 14 contain an inventive step. The limitations of claims 8 and 13 have been moved into independent claims 1 and 9, respectively.

The Examiner further states in Box V of the Written Opinion that claims 20-30 lack an inventive step under PCT Article 33(3) as being obvious over Akiyama in view of Warner. Original claim 20 is now renumbered as claim 18. Renumbered claim 18 depends from renumbered claim 9, which includes the limitations of original claim 13. As stated by Examiner, original claim 13 includes an inventive step.

Renumbered claim 19 includes a sensor for determining the humidity, moisture, *and* temperature of an area and a means for warning when the humidity, moisture, *and* temperature within said area is above a preset, desired humidity, moisture, *and* temperature. None of the references cited either individually or in combination teach or suggest the use of such features. At most, these references address only relative humidity, rather than moisture and temperature. The present invention includes a system for monitoring most, if not all, ambient conditions of enclosed spaces so as to optimize these conditions. Additionally, this monitoring can occur from within the enclosed space or externally to the enclosed space.

#### CONCLUSION

In light of the foregoing remarks and attending amendments, Applicant respectfully requests the establishment of a favorable International Preliminary Report on Patentability.

Respectfully submitted,

NEXSEN PRUET, LLC



Sara A. Centioni

Attorney/Agent for Applicant

Date:

Aug. 24, 2005

Enclosures - BY EXPRESS MAIL:

Transmittal Letter including Reply to Written Opinion; Demand;  
Replacement Sheets 13-16; Fee Calculation Sheet